

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.105 OF 2004

The State of Maharashtra ...Appellant
Vs.
K. Ramesh L.Shetty & Ors. ...Respondents

Shri P.S. Hingorani, A.P.P. for the Appellant.

CORAM : R.S.MOHITE, J.
DATE : JANUARY 16, 2006.

P.C.:

1. This is an Appeal filed by the State impugning the Judgment and Order passed by the Chief Judicial Magistrate, Court No.1, Solapur, acquitting the accused for offences punishable under sections 16 and 17 of the Prevention of Food Adulteration Act, 1954 and the Rules thereto. The perusal of impugned judgment and order it is seen that the order has been based on cogent and reasonable reasons. The food in question was mustard oil. The Trial Court has found that the sample was taken on 05.06.1996 and the prosecution was lodged after eighteen months on 01.12.1997, thereby depriving the accused of pursuing his right to get sample analysed by the Director of Central Food Laboratory. It is also been held that there is no compliance of section 13(2) as the prosecution did not produce any evidence to show that Local Health Authority had given any notice as required. In the circumstances, leave refused and consequently the Appeal stands dismissed.

JUDGE